

Docket No.: 240202US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

SURINDER SACHAR
(703) 413-3000
SSACHAR@OBLON.COM

RE: Application Serial No.: 10/618,733
Applicants: Katsuhiko MAEDA
Filing Date: July 15, 2003
For: IMAGE FORMING APPARATUS
Group Art Unit: 2854
Examiner: Eickholt, E.H.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO ELECTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

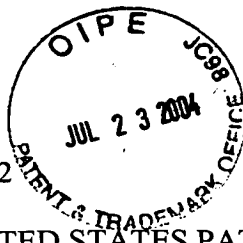
(703) 413-3000 (phone)
(703) 413-2220 (fax)

Surinder Sachar

Registration No. 34,423

I:\ATTY\SN\24\240202\ELECT RESP DUE 072304 CVR.DOC

DOCKET NO: 240202US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

KATSUHIKO MAEDA

SERIAL NO.: 10/618,733

FILED: JULY 15, 2003

FOR: IMAGE FORMING APPARATUS :

EXAMINER: EICKHOLT, E.H.

GROUP ART UNIT: 2854

RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election requirement of June 23, 2004, applicants elect, with traverse, the invention of Group A (Figures 1-9). Claims 1-3 are readable on the elected species, and Claim 1 is generic.

Applicants traverse the outstanding election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding election requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record



22850

Tel.: (703) 413-3000
Fax: (703) 413-2220

GJM/SNS/jrs

I:\ATTY\SNS\24'S\240202\240202US-ELECT DUE 072304.DOC